

**REMARKS**

Claims 4-24 remain in the application, of which claims 14-21 were previously withdrawn. Claims 1-3 are cancelled by the present amendment, claims 4-12 and 22 are currently amended, dependent claim 3 has been re-presented as independent claim 23 and new claim 24 added.

Paragraphs 32 and 55 have been amended to correct obvious typographical errors.

The Examiner has rejected claims 1-13 and 22 under 35 U.S.C. 112 as being indefinite for the reasons set out in the Office action. With respect to claims 1 and 2, former claim 3, which depended from claims 1 and 2, has been re-presented as new claim 23 and former claims 1-3 have been cancelled. Re-presented claim 23 includes all of the limitations of former claims 1, 2 and 3, and additionally has been amended to overcome the 35 U.S.C. 112 rejections raised by the Examiner. In particular, with respect to the Examiner's comments concerning former claim 1, claim 23 clarifies that the applicant is claiming a structure to produce the stimulating first and second waveform signals, the structure including the controller for generating such signals. With respect to the Examiner's comments concerning claim 2, the amended wording suggested by the Examiner has been integrated into claim 23.

Claims 4-6, 8, 9, 10 and 22 have each been amended to address the specific formality based rejections raised by the Examiner. Additionally, claims 4-8 and 10-12 have been amended so that they each now depend from claim 23.

The Examiner has rejected claims 1, 2, 7, 11 and 12 under 35 U.S.C. 102(e) as being anticipated by Lattner *et al* (6,212,435) and claims 1, 2, 7, 11, 12 and 22 are rejected under 35 U.S.C. 102(e) as anticipated by Lurie *et al* (6,463,327). The Examiner has also rejected claims 10 and 13 under 35 U.S.C. 103(a) as being unpatentable over Lattner *et al* or Lurie *et al*.

The Examiner has indicated that claims 3-6, 8 and 9 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, as set forth in the Office action and include all the limitations of the base claim and any intervening claims. Claims 1-3 have been cancelled and, as noted above, former dependent claim 3 has been re-presented as new independent claim 23 to include all

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Amdt. dated April 12, 2004  
Amendment and Reply to Office Action dated January 15, 2004

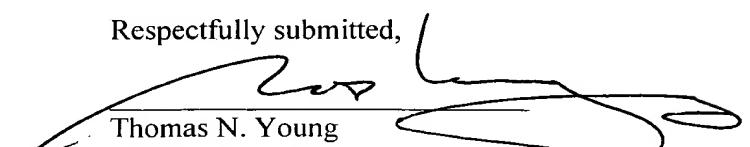
of the limitations of former claims 1, 2 and 3. It is respectfully submitted that claim 23 is accordingly directed towards allowable subject matter, along with dependent claims 4-13 which depend from claim 23.

With respect to independent claim 22, such claim has been amended to clarify that the electrical stimulation device includes an elongate member for securing to a person's body, and a plurality of electrode pairs arranged along the elongate member for applying stimulating electrical pulses along an anal area and a spinal area of the person's body. The amended claim clarifies that the controller is configured for generating the stimulating electrical pulses and causing the electrode pairs to apply the stimulating electrical pulses along the anal area and the spinal area based on signals received from a sensing device which senses breathing of a person. It is respectfully submitted that such a configuration is neither shown in nor suggested by the prior art references, and accordingly claim 22 as amended is directed towards novel and unobvious subject matter.

New claim 24 is directed substantially to the subject matter of combined former claims 1 and 3 without the limitations found in intervening former dependent claim 2. It is respectfully submitted that such a configuration is not shown nor suggested by the prior art references, and accordingly claim 24 is also directed towards new and unobvious subject matter.

Applicant submits that the application is now in condition for allowance and respectfully requests reconsideration and allowance. If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 25-0115.

Respectfully submitted,



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